



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda item # 2-A

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 18, 2011

MOTION

**Made By: Mr. Koelemay Seconded By: Mr. Garczynski
Action: Motion Carried, Unanimously**

**Title: Limited Access Control Change (LACC) and Land Use Permit
Temporary Ingress/Egress at the Dulles Airport Access Road
and Route 123 Interchange
Fairfax County**

WHEREAS, the Dulles Airport Access Road (DAAR), between Interstate 66 and Interstate 495, in Fairfax County, was designed and built as Federal Highway Project 34-5(6) by the United States Department of Transportation, Federal Aviation Administration (FAA), and was designated as a Limited Access Highway as a design feature of the project; and,

WHEREAS, in connection with a section of the DAAR, which is located between the aforesaid locations, the Virginia Department of Highways and Transportation, predecessor to the Virginia Department of Transportation (VDOT), acquired certain maintenance and operations responsibilities for the DAAR as part of an Agreement executed on July 6, 1981, between VDOT and FAA; and,

WHEREAS, in accordance with said maintenance responsibilities the number and location of points of public access and egress, both to and from the DAAR will not be altered by VDOT without the written concurrence of the FAA; and,

WHEREAS, the United States Government, acting by and through the Secretary of Transportation, leased the land rights of the Metropolitan Washington Airports Authority (MWAA) by lease dated March 2, 1987, therefore, assuming the activities formerly of the FAA; and,

WHEREAS, the Interstate 495 interchange with the DAAR and Dulles International Airport Access Highway (DIAAH) is located immediately adjacent to the Route 123 – DAAR

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interchange and the operations of each are interrelated and must be evaluated together in consideration of any proposed changes; and,

WHEREAS, VDOT has a current construction contract for the reconstruction of the Interstate 495 interchange with the DAAR and DIAAH and additional modifications are being evaluated by VDOT and the Federal Highway Administration (FHWA) requiring that any proposed Limited Access Control Change (LACC) be evaluated in connection with those potential changes; and,

WHEREAS, the United States Government (USA) has entered into a long term lease to utilize office buildings and property known as Liberty Crossing in the Tysons McLean Office Park at 1505 Tysons McLean Drive in McLean, Virginia, with the said office complex being located adjacent to and in the northwest quadrant of the Route 123 – DAAR interchange; and,

WHEREAS, USA has determined and identified that emergency ingress and full time egress to the Southbound (SB) Route 123 Ramp to DAAR and Interstate 495 (RAMP) is needed to support their operations at this location; and,

WHEREAS, the landowner, The Peterson Company (PC), on behalf of USA has requested a new provisional access point for the emergency ingress, with a deceleration lane, and full time egress, with an acceleration lane (Temporary Provisional LACC) and has submitted engineering studies and evaluations in an Interchange Justification Report for Ingress/Egress for DAAR Westbound On Ramp from Southbound Route 123 (IJR) to support the proposed Temporary Provisional LACC and land use permit for the provisional use; and,

WHEREAS, the proposed Temporary Provisional LACC break of 100 feet in the existing limited access line is shown in the IJR as Figure 3C, and is located on the north side of the Route 123 “NW ON RAMP” at approximate Station 159+50 of the plans for Project DAHE 34-5 (3) Sheet 62; and,

WHEREAS, VDOT has evaluated the said proposed Temporary Provisional LACC and land use permit based on the provisional nature of the proposed request, and that the request is being made on behalf of USA, and with the understanding that should the USA lease of the Liberty Crossing site be terminated or otherwise end, or the emergency basis for which the request was made no longer exist, any approved LACC or land use permit would be revoked and the ingress and egress closed, with any costs at PC or its successor’s expense; and,

WHEREAS, VDOT staff has determined that the said proposed Temporary Provisional LACC and land use permit for the said new provisional access point is viable from a safety and

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traffic control standpoint based on the traffic analysis contained in the IJR, dated December 2008; revised July 2009, revised January 2010, revised March 2010; and revised July 2010; and,

WHEREAS, the Fairfax County Board of Supervisors, by resolution dated November 16, 2010, supports the said new provisional access point and the proposed Temporary Provisional LACC; and,

WHEREAS, public notices were posted in the Washington Post and Washington Examiner newspapers on April 6, 2011, providing an opportunity for comments regarding the said proposed LACC, which closed on April 15, 2011, with no comments received; and,

WHEREAS, a Categorical Exclusion (CE) for this new provisional access point to the Liberty Crossing site was approved by FHWA on September 24, 2010; and,

WHEREAS, the said proposed Temporary Provisional LACC was reviewed by the local Metropolitan Planning Organization, the Metropolitan Washington Council of Governments (MWCOCG) and determined to not be regionally significant for air quality conformity purposes and thus it will not be included in the air quality conformity testing for Washington, D.C.'s Constrained Long Range Plan (CLRP) or any update to a Metropolitan Transportation Improvement Program (MTIP); and,

WHEREAS, the review of the proposed new provisional access point as described in the IJR and the said LACC has not been completed by the FHWA, whose approval may be required; and,

WHEREAS, PC will acquire and donate any right of way needed to construct, operate and maintain the said temporary provisional access point to the proposed limit of VDOT maintenance as shown in the IJR (Figure 3F) to VDOT; and,

WHEREAS, the said proposed access point, LACC and said lanes, along with safety improvements, as required, shall be constructed by others; and,

WHEREAS, all costs for the said proposed provisional access point, Temporary Provisional LACC, related roadways, acceleration and deceleration lanes and appurtenances will be borne by PC; and,

WHEREAS, no compensation shall be required for the Temporary Provisional LACC, as VDOT has determined the value of the land served by the new access point shall be unaffected based on the provisional nature of the request; and,

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WHEREAS, the proposed Temporary Provisional LACC is in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code, with the exception that the Federal Highway Administration has not completed its review of the proposed provisional access point with regards to its jurisdiction and approval, as appropriate, with said determination and approval being a contingent condition of the CTB's action; and,

WHEREAS, upon completion of the said proposed new provisional access point with a deceleration lane, and said LACC with an acceleration lane, by PC, and acceptance by VDOT, all work, roadway construction, improvements and equipment will become the property of VDOT to the proposed limit of VDOT maintenance, as shown on Figure 3F in the IJR; and,

WHEREAS, VDOT has determined that some additional requirements must be met before any Land Use Permit, with provisions, for the said LACC is issued, however, it has been requested that the CTB take action prior to those requirements being fulfilled; and,

WHEREAS, VDOT recommends the CTB approve the proposed Temporary Provisional LACC and Land Use Permit contingent upon completion of the following to the satisfaction of the Commissioner:

1. MWAA's verification that the proposed action is consistent with its agreements with the FAA and VDOT, and MWAA's approval of the Temporary Provisional LACC.
2. FHWA determination of its jurisdiction regarding the proposed Temporary Provisional LACC and if appropriate, its approval.
3. PC providing right of way documentation of its property rights adjacent to the Temporary Provisional LACC and the adjustments to the existing conservation easement.
4. Any further modification of the proposed roadway design required by VDOT or the FHWA.
5. USA's and PC's agreement that this Temporary Provisional LACC may be reexamined due to changes in traffic conditions and may be closed if highway safety and traffic condition warrant such action.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 33.1-58 of the Code of Virginia (1950), as amended, the CTB hereby concurs with the determinations set forth herein, and approves the said Temporary Provisional LACC and Land Use Permit for temporary access for purposes of USA operations only, subject to the above referenced provisions, conditions and restrictions; and further contingent upon the additional approvals cited above. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution and shall include all appropriate provisions and conditions within said documents.

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